

## **REMARKS**

Claims 1 – 15 and 17 – 21 are in the application. Claims 1 – 3, 8, 13, 18, and 21 are currently amended; claims 7, 12, 15, and 17 were previously presented; claim 16 has been canceled; and claims 4 – 6, 9 – 11, 14, 19, and 20 remain unchanged from the original versions thereof. Claims 1, 8, 13, 18, and 21 are the independent claims herein. No new matter has been added to the application.

Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 101**

Claims 13 – 15 and 17 were rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. This rejection is traversed.

Applicant notes that claim 1 is currently amended to recite “a device having a processor and a multipoint controller operating on said device”. Thus, it is clear that the claimed subject matter comprises a device having a processor *and* a multipoint controller operating on the device. While the device includes a multipoint controller operating on the device, the claims do not merely recite a software implemented multipoint controller since the claimed device also includes a processor. Support for the current amendment to claim 13 is provided in the Specification at page 4, lines 10 – 22.

Applicant therefore requests the reconsideration and withdrawal of the rejection of claims 13 – 15 and 17 under 35 USC 101.

### **Claim Rejections – 35 USC § 102**

Claims 1 – 15 and 17 – 21 were rejected under 35 U.S.C. 102(e) as being anticipated by Ju et al. U.S. Patent No. 6,744,741. This rejection is traversed.

Applicant notes that claim 1 relates to a method for selecting a media processor to host a new conference including receiving an indication of a need for a media processor to host a new conference; and determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported by each of said plurality of media processors based on a current number of conference participants on each of said plurality of media processors and based on a current CPU utilization percentage for each of said plurality of media processors in accordance with the following expression:

$$\text{NbChannels} = \text{CurrentNbChannels} \times ((\text{MaxCPUUtil}/\text{CurrentCPUUtil}))$$

where CurrentNbChannels is a value indicating the current number of conference participants on a media processor, MaxCPUUtil is a constant value indicating a maximum CPU utilization percentage allowed for the media processor, and CurrentCPUUtil is a value indicating a current CPU utilization percentage for the media processor. The method further includes determining one of the plurality of media processors to host the new conference based, at least in part, on the determined number of additional participants that each of the plurality of media processors can support. Claims 8, 13, 18 and 21 are worded, in relevant part, similar to claim 1.

Applicant respectfully submits that the cited and relied upon Ju fails to anticipate independent claims 1, 8, 13, 18, and 21. In particular, Applicant submits Ju fails to disclose the claimed aspect(s) of determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported by each of said plurality of media processors based on a current number of conference participants on each of said plurality of media processors and based on a current CPU utilization percentage for each of said plurality of media processors in accordance with the following expression:

$$\text{NbChannels} = \text{CurrentNbChannels} \times ((\text{MaxCPUUtil}/\text{CurrentCPUUtil}))$$

where CurrentNbChannels is a value indicating the current number of conference participants on a media processor, MaxCPUUtil is a constant value indicating a

maximum CPU utilization percentage allowed for the media processor, and CurrentCPUUtil is a value indicating a current CPU utilization percentage for the media processor. Accordingly, Applicant submits that JU does not anticipate claims 1, 8, 13, 18, and 21.

Applicant therefore respectfully submits that claims 1, 8, 13, 18, and 21 are patentable over Ju under 35 USC 102(b). Applicant further submits that claims 2 – 7, 9 – 12, 14, 15, 17, 19, and 20 are also patentable over Ju for at least depending on a patentable base claim.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 – 15 and 17 – 21 under 35 USC 102(b) and the allowance of same.

## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

September 11, 2008  
Date

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